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In re Application of KUTILAINEN et al :
U.S. Application No.: 10/562,038 :
PCT Application No.: PCT/FI2004/000382 :
Int. Filing Date: 23 June 2004 : COMMUNICATION
Priority Date Claimed: 25 June 2003 :
Attorney Docket No.: 0365-0661PUS1 :
For: ELECTROMECHANICAL TRANSDUCER :
AND A MANUFACTURING METHOD :

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 23 June 2004, applicant filed international application PCT/FI2004/000382, which claimed priority of an earlier Finland application filed 25 June 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 29 December 2004. The thirty-month period for paying the basic national fee in the United States expired on 25 December 2005.

On 22 December 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 July 2006, applicant filed an executed declaration.

On 16 September 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which identified defects in the declaration filed 03 July 2006.

DISCUSSION

MPEP 1893.01(3) states in relevant part,

Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present case, the given name of the second inventor is listed as "Dewei" in the declaration and "Dewie" in the published international application. Clarification is required. It is also noted that the declaration is improper because it contains non-initialed, non-dated alterations. See MPEP 602.01.

CONCLUSION

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to await applicant's response to the Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 16 September 2008.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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